

William Geary

From: William Geary
Sent: Wednesday, May 06, 2015 4:52 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Minimum Wage Issues

I have reviewed the Senate amendments to H.B. 722 that would preclude a local minimum wage. The bill includes this language:

§285.055.2. No political subdivision shall establish, mandate, or otherwise require an employer to provide to an employee:

- (1) A minimum or living wage rate; or
- (2) Employment benefits;

that exceed the requirements of federal or state laws, rules, or regulations. **The provisions of this subsection shall not preempt any state law or local minimum wage ordinance requirements in effect on August 28, 2015.**

If the voters of KC approved a minimum wage law on August 4, 2015, then the ordinance would not be preempted by this state statute.

It would be left to opponents to show a preemption by the Missouri Minimum Wage Law; that is the analysis I shared with you today. However, by the General Assembly accepting a local minimum wage law in effect before the effective date of the legislation, it may be argued that the General Assembly shows that it did not intend for the initiative that established the current minimum wage to preempt local ordinances.

With this additional statutory quirk, I believe a strong argument could be made that the General Assembly accepts the ability of cities to enact local minimum wage ordinances right now. This is surely not what the General Assembly meant to do, but it may be what it ends up doing.